

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LONG CHEN,

Plaintiff,
-against-

CITY OF NEW YORK,

Defendant.

23-CV-2383 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who was detained in the Anna M. Kross Center on Rikers Island when he filed this complaint, is proceeding *pro se* and *in forma pauperis* (IFP). By order dated June 12, 2023, the Court granted Plaintiff leave to file an amended complaint to address deficiencies in his original pleading. The Clerk's Office mailed that order to Plaintiff on June 14, 2023, but it was returned as undeliverable on July 7, 2023, because Plaintiff had been discharged. By order dated July 17, 2023, the Court directed Plaintiff to update his address of record within 30 days of the date of that order, and informed Plaintiff that if he failed to comply, the Court would dismiss the action without prejudice for failure to prosecute, under Federal Rule of Civil Procedure 41(b). (ECF 6.) Plaintiff has failed to notify the court of a change of mailing address and has not initiated any further contact with the court, written or otherwise.

Plaintiff's complaint, filed IFP pursuant to 28 U.S.C. § 1915(a)(1), is dismissed without prejudice. *See, e.g., Toussaint v. Maryland Dep't of Transp.*, No. 23-CV-0271 (D. Md. Mar. 21, 2023) (dismissing action without prejudice following Plaintiff's failure to update the court with his new address). Should Plaintiff wish to pursue the claims asserted in this action, he must move for reconsideration under Rule 59(e) or Rule 60(b) of the Federal Rules of Civil Procedure, provide an updated address, and request that the Court vacate its order of dismissal.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter judgment in this case.

SO ORDERED.

Dated: August 25, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge